

From: Lynn Kunzler
To: Lowell Braxton; Mary Ann Wright; Wayne Hedberg
Date: 5/19/03 9:30AM
Subject: Status of Utah County Bond for Cherry Hill Park Mine (M/049/021)

I received a phone call from Peggy Kelsey (Utah County Planning) regarding the bond that Utah County holds for Emery Industrial Resources, Inc.'s Cherry Hill Park Mine (subject of upcoming Board Hearing)

In 1994, Utah County had provided us with a copy of a letter of credit in the amount of \$14,400 for reclamation of approximately 9 acres at the Site. Last week, I called Utah County to see if the bound money would be available to the State, assuming that we prevail with the hearing and the Board orders the site be reclaimed. Ms. Kelsey advised me at that time that they would have the County Attorney look in to it and they would get back to us by May 22nd.

I was informed today, that the letter of credit is no longer valid. I was issued for one year with the right to renew. Dan Powell did not exercise the renewal - the letter of credit expired almost 9 years ago! There is no reclamation bond for this site.

I was also informed that Utah County will also be sending Mr. Powell a letter requiring immediate bonding of the site for the 19.74 acres of current disturbance.

CC: Joelle Burns